

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested.

Upon entry of this Amendment, claims 1-15 are pending in the application. In response to the Office Action, Applicant respectfully submits that the pending claims define patentable subject matter.

The Examiner indicates that the December 15, 2004 Office Action is made final because the August 3, 2004 Amendment necessitated the new grounds of rejection in the Office Action. However, Applicant submits that the amendments to independent claims 1 and 8 did not necessitate the new grounds of rejection since the amendments were merely grammatical/stylistic in nature and did not change the scope of the claims.<sup>1</sup> Therefore, Applicant respectfully requests that the Examiner withdraw the finality of the December 15, 2004 Office Action.

Applicant thanks the Examiner for indicating that dependent claims 4, 5, 9 and 15 would be allowable if rewritten in independent form. However, Applicant respectfully requests the Examiner to hold in abeyance the rewriting of these claims until the Examiner has had the opportunity to reconsider the rejected parent claims in light of the arguments presented below in support of the Applicant's traverse of the rejection.

Claims 1-3, 6, 8, 11, 12 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by newly cited Yokoya et al. (U.S. Patent No. 5,524,287; hereafter "Yokoya"). Claims 7, 10 and

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<sup>1</sup> As set forth in MPEP 706.07(a), "second or any subsequent actions on the merits shall final, except where the examiner introduces a new grounds of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 C.F.R. § 1.97(c) with the fee set forth in 37 C.F.R. § 1.17(p)."

13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokoya in view of Mochizuki (U.S. Patent No. 6,580,901). Applicant respectfully submits that the claimed invention would not have been anticipated by or rendered obvious in view of the cited references.

Yokoya discloses a radio communication apparatus which comprises a transmitting circuit 13, a receiving circuit 17, an amplifier 14, the system controller 21 and a detector 33. The receiving circuit 17 receives a signal from an opposite station such as a base station. The transmitting circuit 13 transmits a signal to the opposite station. The amplifier 14 amplifies the signal to be transmitted from the transmitting circuit 13. The system controller 21 outputs data D31 which is used for designating the transmission output level of the transmission signal output from the amplifier 14 and has complementary correlation to a Mobile Attenuation Code (MAC) received from a base station. The data D31 is supplied to a D-A converter 31, where a digital-to-analog conversion is executed to convert the data D31 into an analog voltage V31. The voltage V31 is supplied as a reference voltage to a voltage comparator 32.

The transmission signal S13 from the power amplifier 14 is partially supplied to the detector 33, which then outputs a DC-voltage V33 of a level corresponding to the level or amplitude of the transmission signal S13. The comparator 32 compares the voltage V31 output from the D-A converter 31 to the voltage V33 output from the detector 33 and outputs a comparison output voltage V32 to the base of a transistor 35 which is between a power supply terminal 34 and a power line of the amplifier 14. The comparison output voltage V32 acts a control signal for the transistor 35 such that when the comparison output voltage V32 is changed,

the operating voltage supplied to the amplifier 14 is also changed in correspondence to such a voltage change. Due to the change caused in the operating voltage, there occurs a change in the level of the transmission signal S13 output from the amplifier 14. In this stage, feedback is being executed by the comparator 32 in such a manner as to render  $V_{32}=V_{31}$ , so that the level  $V_{33}$  of the transmission signal S13 outputted from the amplifier 14 becomes equal to the level of the voltage  $V_{31}$ .

With regard to independent claims 1, 8 and 14, the Examiner asserts that Yokoya discloses all of the features of the claimed invention. In particular, the Examiner appears to be taking the position that the claim limitation “said detected voltage or said set point voltage is rendered dependent on an output voltage of said power supply battery before the step of comparing said detected voltage with said set point voltage” reads on the operations performed by the Yokoya’s feedback loop of the amplifier 14, the detector 33, the comparator 32, the transistor 35 and the power supply 34.

By this Amendment, Applicant has amended independent claims 1 and 8 to improve clarity reciting that a detected voltage or a first set point voltage is modified based on an output voltage level of said power supply battery to generate a second detected voltage or a second set point voltage, and the first detected voltage is compared with the second set point voltage or the second detected voltage is compared with the first set point voltage to generate a comparison result. Applicant respectfully submits that it is quite clear that Yokoya, alone or in combination with Mochizuki, does not teach or suggest this feature of the claimed invention. That is, the

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claimed invention clearly differs from teachings of Yokoya in the claimed invention modifies the detected voltage ( $V_{det}$ ) of the amplifier output power or the set point voltage ( $V_{ref}$ ).

Accordingly, Applicant respectfully submits that independent claims 1 and 8, as well as dependent claims 2, 3, 6, 7, 8 and 10-14, should be allowable because the cited references do not teach or suggest all of the features of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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